

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14519, of Doo Young Kim, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 7106.11 to continue to use the first floor as a grocery-deli, in an R-4 District at premises 1970 2nd Street, N.W., (Square 3087, Lot 806).

HEARING DATE: December 17, 1986

DECISION DATE: January 7, 1987

DISPOSITION: The Board GRANTED the application with CONDITIONS by a vote of 5-0 (Charles R. Norris, Paula L. Jewell, William F. McIntosh and Carrie L. Thornhill to grant; Maybelle T. Bennett to grant by proxy).

FINAL DATE OF ORDER: April 10, 1987

ORDER

The Board granted the application with conditions by its Order dated April 10, 1987. By letter dated April 24, 1987, Clifford Powell, party in opposition to the application, requested a waiver of Section 503.1 of the Supplemental Rules of Practice and Procedure before the Board of Zoning Adjustment which provides that a motion for reconsideration or rehearing be filed within ten days of the filing and service of the written order of the Board. The waiver of the Rules is requested because Mr. Powell did not receive a copy of the written Order until April 20, 1987, ten days after the final date of the written Order. The Board waived its Rules to accept the motion for reconsideration.

The basis for the motion for reconsideration was that the Board erred in its conclusion that the proposed facility would not have an adverse impact on the immediate neighborhood. The motion sets forth numerous rebuttal arguments addressing the Board's findings and conclusions. There was no opposition to the motion for reconsideration.

Upon consideration of the motion and its final order, the Board concludes that it has made no error in deciding the application. The motion merely seeks to reargue the case presented by the opposition at the public hearing and considered by the Board in reaching its decision. The

motion raises no new issues which could not reasonably have been presented at the public hearing. The Board has duly considered the opposition's arguments. The Board's decision was based on its consideration of all the evidence presented by both the applicant and the opposition. The fact that the Board and the opposition arrived at different conclusions does not make the decision of the Board arbitrary, capricious or unlawful. Accordingly it is ORDERED that the motion for reconsideration of the Board's decision is hereby DENIED.

DECISION DATE: May 6, 1987

VOTE ON MOTION TO WAIVE THE RULES: 5-0 (Maybelle T. Bennett, Charles R. Norris, Paula L. Jewell, William F. McIntosh, and Carrie L. Thornhill to waive).

VOTE ON MOTION for RECONSIDERATION: 4-1 (Maybelle T. Bennett, Charles R. Norris, Paula L. Jewell and Carrie L. Thornhill to deny; William F. McIntosh opposed to the motion).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Acting Executive Director

FINAL DATE OF ORDER: JUL 10 1987

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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